

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

KEYBANK NA

Plaintiff,

v.

MS DAVENE and THOMAS J KELLEY,

Defendant(s).

CASE NO.C06-5415RBL

ORDER DENYING DEFAULT

The Motion for Default has been considered together with the files and records in the case and is **DENIED** as to the named defendant(s) for the following reason:

(☒) An Answer or responsive pleading has been filed by the defendants.

(☐) The United States has 60 days in which to answer the summons pursuant to FRCP 12(a)(3). According to the returns, in the file, the summons were issued on _____ and executed by certified mail _____;

(☐) Proof of service of the summons and complaint has not been filed with the court in accordance with Fed.R.Civ.P. 4 (l).

(☐) There is no proof that the plaintiff has served this motion for default on defense counsel.

The pending motion for default judgment, if any, against this/these defendants is **DENIED AS MOOT**.

DATED: October 16 2006.

BRUCE RIFKIN, Clerk

By: /s/ Jean Boring
DEPUTY CLERK